



## City of Fall River, Massachusetts

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October 6, 2003

Clerk for Civil Business  
United States District Court  
District of Massachusetts  
1 Courthouse Way  
Boston, MA 02108

Re: Conservation Law Foundation vs. City of Fall River, et al  
U.S. District Ct. 87-3067-Z

Dear Sir/Madam:

On behalf of the Defendant, City of Fall River, enclosed please find Quarterly Progress Report (Progress Report #46), a copy of which has been provided to the Plaintiff.

Be advised that under the Order issued by Judge Zobel with regard to this matter, said Quarterly Progress Report is required to be filed with the Court. Would you therefore, kindly file same.

If there are any questions or comments, do not hesitate to contact me.

Very truly yours,

Thomas F. McGuire, Jr.  
Corporation Counsel

TFM/e

Enclosure

cc: Ronald A. Laro  
Steven H. Burrington, Esq.  
Terrance J. Sullivan

PROGRESS REPORT #46

October 6, 2003

1. CSO Construction Contract 2A-2.2, South and Central Tunnel; four (4) connecting tunnels; Extreme Event Overflow (EEO) Chamber; and transportation/disposal of tunnel muck, was advertised for bids on November 15, 2001. A pre-bid meeting was conducted on December 6, 2001. Sealed bids for Contract 2A-2.2, were received by the City's Purchasing Agent on Wednesday, February 20, 2002. On March 7, 2002, the Letter of Intent to Award was issued to J.F. Shea Company, Inc. of Walnut, California for a construction cost of \$55,990,000. Authorization to Award was granted by the Department of Environmental Protection. As such, a fully executed Contract Agreement for 2A-2.2 was completed on May 9, 2002. Contract 2A-2.2 construction activities have progressed according to schedule.

Site work such as; Portal Entrance blasting and muck removal, installation of earth retention systems, construction of support buildings, installation of 6 MVA electrical service, installation of two-track rail system, installation of muck pit and conveyor system, and installation of the 20' high sound barrier, have been completed.

Tunnel Boring Machine status such as; receipt of all TBM components, train locomotives, muck removal cars, and support systems, have been assembled and are in actual tunneling operation. Currently 14,844 feet of the 20-foot deep rock tunnel has been completed. This represents 92% main tunnel spine completion of the South and Central Tunnel system.

In review, CSO Construction Contract 2A-2.2 is in full compliance with the Court Ordered Schedule. To date, The City has expended approximately \$38,601,605.00 on this construction component alone. Therefore, Contract 2A-2.2 is on schedule and on budget.

2. The City, with its Engineer, conducted a CSO Program Evaluation and developed modified measures which would continue to insure water quality standards and compliance with CSO Program objectives. As a result, an October 29, 2001 Meeting was conducted with CLF, EPA, and DEP respectively. As an outcome of the aforementioned meetings, it was agreed that after the City executes an Agreement for CSO Construction Contract 2A-2.2, that all parties would reconvene for additional discussion of the Modified Tunnel Plan.

On July 30, 2002, the City with its Engineer, conducted a meeting with EPA and DEP resulting in the joint technical review of the Modified Tunnel Plan. Additional technical data was requested by EPA and DEP. As a result, a comprehensive report entitled "City of Fall River, CSO Abatement Program, March 2003" was submitted to EPA and DEP respectively. On September 29, 2003, the City with its Engineer, conducted a final technical review meeting with EPA and DEP. As a result, all parties agreed that the Modified Tunnel Plan was the most efficient and effective way to proceed with the CSO Abatement Program. Currently, the City of Fall River is contacting all parties (CLF, EPA & DEP) to reconvene to finalize the acceptance of the Modified Tunnel Plan.

3. CSO Construction Contract 2A-2-3, South and Central tunnel, four (4) Drop Shafts was advertised for bids. As a result, Sealed Bids for Contract 2A-2.3 were received by the City's Purchasing Agent on Wednesday, June 24, 2003. J.F. Shea Company, Inc. of Walnut, California was the only company to bid for a construction cost of \$6,300,000. The sole bid was substantially higher than the engineers estimated construction cost of \$3,700,000. The determination was made to reject the bid and to repackage and rebid this work. Currently, the repackaged bid is being reviewed for approval by DEP. More than adequate time is available to complete this work within the CSO schedule.

In review, CSO Construction Contract 2A-2.3 is in full compliance with the Court Ordered Schedule. If further information is required, please call me at 508/324-2321.

Signed under the pains and penalties of perjury this 6<sup>th</sup> day of October 2003.

  
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Ronald A. Laro  
Director/Water Pollution Control

**FALL RIVER SEWER COMMISSION**

**CSO WEEKLY PHYSICL INSPECTIONS**

**AND**

**RAINFALL DATA**

**July – September 2003**

(N) Represents No Flow

Daily Chemical Concentration			
July 1993 - September 1993			
BY DATE			
Data from 1993			
Day	July	August	September
1.		0.60	0.04
2.		0.14	1.15
3.	0.85		0.01
4.		0.06	0.42
5.		0.11	0.01
6.			
7.		0.83	
8.		1.97	
9.	0.15	0.10	
10.		0.10	
11.	1.20		
12.	0.06	0.06	
13.		0.83	
14.		0.01	0.06
15.			0.02
16.			0.27
17.		0.45	
18.	0.02	0.28	
19.	0.15		0.63
20.			
21.			
22.	0.02	0.02	
23.	0.32		0.08
24.	0.54		
25.			
26.			
27.			
28.			0.05
29.	0.24		0.11
30.			
31.			